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In re application of:

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J. HIKITA et al.

Group Art Unit: 3627

JUL 28 2004

Application No.: 09/355,953

Examiner: J. Fischetti

GROUP 3600

Filed: October 7, 1999

Atty. Docket No.: 100806-09020

For: PORTABLE POINT STORING MEMBER AND METHOD OF USING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 26, 2004

Sir:

In response to the Election/Restriction Requirement mailed November 24, 2003, the Applicants hereby elect Group II, claims 3, 9 and 11 without traverse. The Applicants reserves the right to file one or more divisional applications on the non-elected claims. It should be noted that an Office Action requiring a restriction was mailed on August 26, 2002. Specifically, the Office Action requested an election between Group 1 (claim 1), Group 2 (claims 3 and 9) and Group 3 (claims 5 and 7). In Response to the Restriction Requirement submitted on September 24, 2002, Applicants elected Group 2 (claims 3 and 9). Thereafter, claims 1, 2, 4-8 and 10 were withdrawn or canceled in the Amendments filed on September 8, 2003 and November 21, 2003. Additionally, claim 12 was added. Therefore, it is submitted that claims 3 and 9 were previously elected and remain elected. Claims 3, 9, 11, and 12 are currently pending. As noted, Office Actions on the merits (November 5, 2003 and May 7, 2003) have already been given and responded to.

In view of the Applicant's above election, Applicants respectfully submit that the Restriction Requirement has been satisfied. Accordingly, Applicants respectfully request further examination of elected claims 3, 9, 11 and 12 (which was not subject to restriction) on the merits.

Please charge any fee deficiency or credit any overpayment to Deposit Account
No. 01-2300, referring to client-matter number 100806-09020.

Respectfully submitted,



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